

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE LEE POSLOF, JR.,

Petitioner,

v.

ARCE,

Respondent.

No. 1:25-cv-00505-SKO (HC)
No. 1:21-cv-00339-JLT-HBK (HC)

ORDER CONSTRUING PETITION AS
MOTION TO AMEND, DIRECTING CLERK
OF COURT TO FILE PETITION (Doc. 1) AS
MOTION TO AMEND IN CASE NO. 1:21-
CV-00339-JLT-HBK-HC, AND DIRECTING
CLERK OF COURT TO CLOSE CASE

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner submitted the instant petition on April 30, 2025. (Doc. 1.) Petitioner raises multiple claims challenging his 2017 conviction in Merced County Superior Court for oral copulation with a minor and lewd act on a child. A review of court records reveals that Petitioner is currently proceeding with a habeas petition challenging the same conviction in Poslof v. Attchley, Case No. 1:21-cv-00339-JLT-HBK-HC. Where a subsequent petition is filed while an earlier petition challenging the same conviction is still pending, the later petition must be construed as a motion to amend the pending petition. Woods v. Carey, 525 F.3d 886, 890 (9th Cir. 2008). Thus, the instant petition must be construed as a motion to amend in Case No. 1:21-cv-00339-JLT-HBK-HC.

ORDER

Accordingly, IT IS HEREBY ORDERED:

- 1) The petition filed in this case (Doc. 1) is CONSTRUED as a motion to amend;
- 2) The Clerk of Court is directed to file the petition (Doc. 1) as a motion to amend in Case No. 1:21-cv-00339-JLT-HBK-HC; and
- 3) The Clerk of Court is directed to terminate this case.

IT IS SO ORDERED.

Dated: **May 5, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE